

# INFORMATION LETTER

Not for  
Publication

NATIONAL CANNERS ASSOCIATION

For Members  
Only

No. 918

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## Grade Labeling Required In New Grapefruit Juice Price Order

### Regulation Is Drawn Up So As To Permit OPA To Include Other Canned Fruits and Vegetables From Time To Time

A basic price order requiring grade labeling was announced January 22 by the Office of Price Administration, through the issuance of Maximum Price Regulation No. 306, which will be effective January 28.

The first product to which the order applies is canned grapefruit juice, for which specific dollars and cents maximum prices at the packer level are established in an appendix to the order.

The order is so written as to enable OPA to add other canned fruits and vegetables from time to time. This is to be accomplished by inserting the name of other canned products in the section of the order entitled "Items covered by this regulation and the maximum prices therefor" and by the addition of an appendix, similar to the one for canned grapefruit juice, which presents, in tabular form, the required maximum prices f. o. b. factory.

The OPA statement accompanying the text of the order explained the method of arriving at grapefruit juice ceilings in the following manner:

The maximum dollar-and-cent prices for grapefruit juice, the second largest selling canned juice in the United States, are established on "on tree" prices based, as the amended Price Control Act of 1942 provides, on the higher of: (1) the parity or comparable price adjusted for grade, locational and seasonal differentials or (2) the highest price received by producers from January 1 to September 15, 1942, adjusted for grade, locational and seasonal differentials.

In the case of grapefruit, this was the September 15, 1942, national average, which, in the price determination in the new regulation, has been adjusted as required. This was then further adjusted for the differential between grapefruit for fresh use and grapefruit for packing.

Using this last as a base, the costs from tree to factory—such as picking and hauling—were added. The price per box at the factory was then converted to an equivalent price in terms of the quantity of juice yield per box. The costs of processing and canning were then added. These included, but were not limited to, overhead, administrative expense, packing materials, labor, advertising and selling expense, plus a reasonable margin to the processor.

An important section of the order requires that the grade of each product shall be stated on each label affixed to any item covered by the regulation, unless the label was so affixed before the January 28 effective date of the regulation. The governing sections of MPR No. 306 follow.

§ 1341.551 Scope, purpose and general information.

(a) "Item covered by this regulation" means an item for which a maximum price is established by this regulation, or by any amendment or appendix hereto.

(b) Provisions contained in a particular appendix shall not apply to items covered by any other appendix, unless so provided.

(c) A provision contained in a particular appendix shall apply to the items covered by that appendix, even though it may be contrary to or inconsistent with another provision of this regulation.

(d) Every provision contained in this regulation, but not in any appendix, shall apply to items covered by any appendix to this regulation, to the extent that it is not contrary to or inconsistent with any provision in such appendix.

(e) "Processor" means the canner, manufacturer or packer, as the case may be, of any item covered by this regulation.

(f) The "effective date" of this regulation as to any item covered by this regulation shall be the effective date of this regulation or the effective date of any amendment adding such item to the items covered by this regulation, as the case may be, unless otherwise specified.

(g) The provisions of this regulation shall apply to items packed during the year 1943. If the major portion of any item was packed in 1943, the item shall be considered to be packed during the year 1943. Any canned citrus juices packed after November 1, 1942, shall be deemed to be packed during the year 1943.

(Continued on page 7460)

## PROCESSORS' LABOR NEEDS PRESENTED

### Manpower Committee Meets With Government Agencies on Industry's Problem

Members of the Association's Manpower Committee have been in Washington for several weeks working upon various phases of the industry's labor problem for 1943. Manpower for the food producing and processing industries is but one part of the all-over manpower problem, and for this reason measures taken to provide the needed labor supply for processors must be coordinated and integrated with the general program.

The Manpower Committee has accordingly devoted much of its time and effort to presenting to the appropriate government agencies, such as the War Manpower Commission, the Selective Service, the Department of Agriculture, and the U. S. Employment Service, a comprehensive and adequate picture of the situation as it affects the processing industries.

At the same time the Association's Manpower Division, with the guidance and assistance of the Manpower Committee, has proceeded with its program for stimulating the recruitment of labor in canning communities in which it has enlisted the cooperation of the American Legion, the U. S. Office of Education, and other organizations and agencies. The Division has employed an advertising agency to prepare three groups of advertisements for canners to carry in

the local papers as part of the program for labor mobilization.

Below is a Selective Service statement which deals with the liberalization of requirements for deferment of persons engaged in agriculture.

#### **Farm Worker Deferments Are Liberalized**

Liberalization of requirements for agricultural deferments, which is expected to keep many additional workers on the farms, was announced January 20 by the Selective Service Bureau of the War Manpower Commission.

These new criteria for the guidance of Selective Service local boards not only liberalize the application of the "war unit" standard of production but include numerous additions to the list of essential crops for the production of which farmers may be deferred. The general effect is expected greatly to bolster efforts to increase production of food supplies for the United Nations.

To guide the local boards, the Department of Agriculture through Selective Service, recommended in November that any person, who through his personal and direct efforts was responsible for the production of 16 war units of essential farm products, might properly be considered as "Necessary to and regularly engaged in an agricultural occupation or agricultural endeavor essential to the war effort." It also furnished the list of agricultural products, including those considered essential and those considered less essential, and set up a unit system by which local boards could determine whether a farm worker was producing a sufficient number of livestock, poultry, field crops, fruit, truck and canning crops, or other food and special crops to make up the necessary 16 war units.

To this original list, it was announced January 20, have been added several products including tobacco and short staple cotton. Wood products also are added, including logs, hewn railroad ties, fenceposts, pulp, wood, fuel wood and others. Ducks and geese also are added to the list of poultry; and goats to livestock. Vegetable seeds and honey are included also. The original list of fruits is made more detailed.

Approved by USDA, WMC, farm organizations and other interested groups, the revised guide provides that a local board would be justified in some cases in deferring an agricultural worker who produced as little as 8 war units of essential products, rather than the 16 units heretofore considered a standard. While emphasizing that a national objective has been declared to be the production by as many farmers as possible of 16 or more war units, the revised guide cautions local boards against using the national objective as a rigid standard by which to measure deferments.

Furthermore, in liberalizing application of the war unit standard, Selective Service local boards are advised that when they are of the opinion that agricultural workers who are not producing at least 8 war units at the time could produce them if they were employed elsewhere, the boards should notify the local employment office of WMC and allow 30 days for the placement of the workers on other farms. Also, agricultural workers will not be reclassified out of their deferred classification if they move from one agricultural endeavor to another as long as they continue to be necessary

to, and regularly engaged in, an agricultural occupation or endeavor to the war effort.

While the guide for deferment of agricultural workers, as announced January 20, has been materially liberalized, the procedure which local boards are to follow in granting deferments closely follows the procedure established in November when it was announced that Selective Service Regulations had been amended to provide:

(a) In Class II-C shall be placed any registrant who has no grounds for deferment other than his occupation or endeavor and who is found to be necessary to and regularly engaged in an agricultural occupation or agricultural endeavor essential to the war effort.

(b) In Class III-C shall be placed any registrant who is deferred by reason of dependency and who is found to be necessary to and regularly engaged in an agricultural occupation or agricultural endeavor essential to the war effort.

These classifications remain in effect.

Discussing the 16 war unit objective and the general liberalization of the deferment policy, the guide states:

In determining whether a registrant engaged in the production of essential farm products qualifies for classification in Class II-C or Class III-C, local boards may give consideration to the 16-war-unit objective. It should be considered simply as an objective and to interpret it as a present day standard upon which deferment is rigidly based would obviously be detrimental to essential production requirements for the Nation. At best it simply represents a national objective which it is desired every able-bodied man engaged in agricultural production will equal or exceed.

By reason of variations in production conditions and production methods as between regions, States, areas and communities, the 16-war-unit objective may readily appear to a local board to be either too high or too low. When deemed advisable to properly reflect conditions existing within their own localities, local boards should deviate from the recommended objective.

It would appear unreasonable, however, under most circumstances for a local board to consider a registrant for classification in Class II-C or Class III-C unless his own personal and direct efforts result in the production of at least 8 war units of essential farm products.

Productive efforts of an agricultural worker need not be confined to one farm in order for him to be deferred if he produces the necessary number of farm units by his own personal and direct efforts. Absentee owners, however, do not qualify for deferment in Class II-C or Class III-C under this program. Temporary workers also are not included.

#### **Appley Made Executive Director of WMC**

Lawrence A. Appley, vice-president of Vick Chemical Company, on January 18 was appointed executive director of the War Manpower Commission.

Under the recently announced reorganization of WMC, the executive director holds complete administrative authority over all phases of the staff services, planning, and operations.

Since the President's executive order of December 5, Arthur S. Flemming, Civil Service Commissioner and a member of WMC, has served as acting executive director. Mr. Flemming will continue as a member of WMC and as chairman of the Management Labor Policy Committee.

### List of War Crops Designated by USDA

Several crops have been added to the list designated by the Department of Agriculture as war crops. The complete list, as of January 19, is as follows:

Soybeans for beans.  
Peanuts.  
Flax for seed or fibre.  
Irish potatoes (on farms where the goal is 3 acres or more).  
American-Egyptian cotton.  
Hemp for seed or fibre.  
Dry edible beans.  
Dry peas (excluding wrinkled varieties).  
Vetch for seed (Washington, Oregon, Idaho and California).  
Tomatoes for processing.  
Peas for processing.  
Snap beans for processing.  
Sweet corn for processing.  
Carrots for processing.  
Beets for processing.  
Cabbage for processing.  
Lima beans for processing.  
Castor beans.  
Hay and pasture (designated hay and pasture crops in the commercial corn area and other areas designated by the AAA).

### Cold Storage Warehouse Stocks Show Decrease

Reports to the U. S. Department of Agriculture on perishable food items held in cold storage warehouses and meat packing plants on January 1, 1943, revealed that stocks of most commodities were materially lower than they were on the same date a year earlier. This situation existed for butter, cheese, eggs, poultry, frozen and cured beef, trimmings and lard. The items indicating somewhat heavier holdings over those of January 1, 1942, were apples, frozen fruits and vegetables, frozen and cured pork, and frozen lamb and mutton.

Stocks of fresh apples in cold storage on January 1 totaled the equivalent of 30,590,000 bushels, or 4,812,000 bushels above those on January 1, 1942, according to the Food Distribution Administration. Holdings of pears were 1,517,000 bushels, compared with 1,357,000 on January 1, 1942. Stocks of frozen fruits were 187,929,000 pounds and frozen vegetables 103,176,000 pounds, or 9,981,000 and 10,247,000 pounds greater, respectively, than those on hand a year ago. Fruit stocks were 48,078,000 pounds above the five-year average.

Withdrawals from storage were significantly heavier than normal on fruits, vegetables, cheese, eggs and poultry. On the other hand, stocks of frozen and cured pork and lamb and mutton were accumulated at a heavier-than-normal rate.

This situation is reflected in the decline in occupancy of the warehouses. Cooler space was occupied to 60 per cent of capacity on January 1, 1943, as compared with 66 per cent on December 1, 1942, and freezer space 75 per cent compared with 76 per cent a month earlier. It is interesting to note that the difference in warehouse occupancy on January 1, 1943, and January 1 a year ago was insignificant.

### THREE WAR-TIME CROP GOALS ARE SET

#### USDA Moves to Increase Production of Potatoes, Dry Beans and Fresh Truck Crops

Increased goals for three important war-time food crops—potatoes, dry beans and fresh truck crops—and a production payment program designed to encourage the increases were announced January 17 by Secretary of Agriculture Claude R. Wickard.

Secretary Wickard asked for an additional increase of 100,000 acres in potatoes, which increases the potato goal from 3,160,000 to 3,260,000 for 1943. In addition to supporting prices at not less than 90 per cent of parity, the new program also offers farmers a payment of 50 cents a bushel on the normal yield of the acreage planted to potatoes in excess of 90 per cent of the individual farm goal, up to 110 per cent of the goal. The program will be effective on acreage planted after February 1.

An additional 500,000 acres of dry edible beans also is requested. This increases the production goal from 2,800,000 to 3,300,000 acres for 1943. In addition to an increase in the support price from \$5.35 to \$5.60 for new crop U. S. No. 1 beans, cleaned and in bags, f. o. b. country shipping points, the new program offers a payment of \$20 an acre for dry beans planted in excess of 90 per cent of the individual farm goal, up to 110 per cent of the goal.

The Commodity Credit Corporation will make loans on uncleaned beans in order to enable farmers to get immediate returns from this crop. Additional cleaning facilities for dry beans will be needed and a request for immediate approval of such equipment is being made to the War Production Board.

On the average, a production payment of \$50 an acre for each acre of approved truck crops in excess of 90 per cent of the truck crop goal, up to 110 per cent, will be offered to encourage production of the more essential fresh vegetables. Details of this program will be worked out as soon as possible, it was stated.

### California Sardine Tonnage and Packs

Estimated figures on tonnage of sardines delivered to California processing plants and cases of canned sardines packed during the current season to January 14, inclusive, along with comparison to a year ago, as reported by the California Sardine Products Institute, are as follows:

	Week ending			Season to—		
	Jan. 14 1943	Jan. 14 1943	Jan. 16 1942	Jan. 14 1943	Jan. 14 1943	Jan. 16 1942
<b>TONNAGE:</b>	<b>Tons</b>	<b>Tons</b>	<b>Tons</b>			
Northern District (San Francisco Bay)...	2,751	115,066	185,793			
Central District (Monterey).....	10,295	156,539	241,718			
Southern District (Southern California)...	10,680	183,322	104,021			
<b>Total.....</b>	<b>23,726</b>	<b>454,927</b>	<b>531,532</b>			
<b>PACKER, ALL DISTRICTS:</b>						
<b>Can Sizes:</b>	<b>Cases</b>	<b>Cases</b>	<b>Cases</b>			
1-lb. Oval.....	84,400	1,208,943	1,010,714			
1-lb. Tall.....	101,761	1,645,577	1,742,347			
14-lb. Fillet.....	2,977	52,863	137,534			
14-lb. Round 96's.....	6,831	103,813	221,595			
5-oz. 100's.....	9,588	159,802	336,671			
Miscellaneous.....	291	18,851	151,258			
<b>Total.....</b>	<b>205,848</b>	<b>3,189,869</b>	<b>4,520,109</b>			

## **PRIORITY IS GRANTED FOR FERTILIZER**

### **War Food and Fiber Crops Are Given First Call On Limited Supply**

An order giving essential war food and fiber crops first priority on the Nation's limited supply of chemical fertilizers was issued January 19 by Secretary of Agriculture Claude R. Wickard.

Effective January 18, 1943, this order (Food Production Order No. 5—Chemical Fertilizer) supersedes the War Production Board Order No. M-231, originally issued September 12, 1942, and amended on December 4, 1942. It will be administered by the Director of Food Production, M. Clifford Townsend, who succeeded to the post following the resignation of H. W. Parisius.

Outstanding changes in the new order are the designation of crops deemed essential to the war effort as group "A" crops and the requirement that deliveries of chemical fertilizers for use on these crops be given preference over deliveries for other crops. The purpose of these provisions is to concentrate use of chemical nitrogen allowed for fertilizer on the production of foods, feed and fiber most needed in the war effort.

Two other important changes are the establishment of methods by which fertilizer requirements of farmers are to be determined, and a requirement that fertilizer manufacturers, dealers and agents obtain written statements from their customers before making deliveries.

Prohibitions on the use of chemical fertilizers contained in the War Production Board order are continued in effect, with a few exceptions. The grade substitution program instituted by WPB, with the objective of reducing consumption of chemical nitrogen in mixed fertilizers by approximately 20 per cent, also is retained in the new order, but with some revision. Manufacturers are required to produce the approved 1942-43 grades in the same proportion as the 1940-41 grades.

The grades approved for each State represent the formulas which, in the opinion of agricultural authorities for that State, will supply minimum plant food requirements. The following are the chief features of the order:

Producers of group "A" crops are permitted to obtain the necessary tonnage of approved grades of fertilizer required to attain 1943 production goals. The order does not permit them to obtain or use supplies in excess of their requirements.

The group "A" crops are: Field crops—castor beans; cotton varieties normally stapling  $1\frac{1}{8}$  inches or longer, fiber and seed flax, guayule, fiber and seed hemp, hybrid corn for seed production only, peanuts and soybeans; vegetable crops—dried beans, snap and lima beans, beets, cabbage, carrots, kale, onions, all peas, peppers, Irish and sweet potatoes, spinach, sweet corn, tomatoes, and vegetable seeds; other crops—tung, and the following dried fruits: Prunes, figs, raisins, apricots and peaches for drying.

For group "A" crops, excepting soybeans, peanuts and cotton, farmers may obtain fertilizer containing chemical nitrogen up to quantities recommended by the State agricultural experiment station. On cotton, the quantity a farmer may obtain is based either on his past rate of application or the rate customarily used in his area. For soybeans and peanuts, the basis is the farmer's customary rate of application, or the recommendation of the State experiment station.

Producers of group "B" crops may use chemical nitrogen fertilizer provided that, during the 1940-41 or 1941-42 seasons, they used such fertilizer on group "B" crops or that it was used on these crops on the farms they are now operating.

Group "B" crops are defined as all crops except those in group "A" and those on which the use of fertilizer containing chemical nitrogen is prohibited by the order.

The quantity of fertilizer farmers may obtain for group "B" crops is based on the rate of application used on the farm during either the 1940-41 or 1941-42 seasons.

The order requires a farmer to provide his dealer with a written statement showing his customary use of fertilizer in 1940-41 or 1941-42, and his requirements for 1943. Manufacturers are expected to supply the necessary forms to their local dealers.

The new order contains other changes, as follows:

It prohibits the use or delivery for use of chemical nitrogen fertilizer on melon or cucumber crops, except where grown for seed production, or in the case of cucumbers where grown for processing.

Prior to April 1, 1943, not more than 50 per cent of a farmer's requirements of mixed fertilizer containing chemical nitrogen can be used or delivered for use on field corn in the 10 North Central States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota and Wisconsin.

Prior to May 1, 1943, not more than 75 per cent of a farmer's requirements of chemical nitrogen as straight material can be delivered or used on field corn or cotton of varieties which normally staple less than one and one-eighth inches.

In accepting orders for, or making deliveries of chemical nitrogen as straight material, fertilizer distributors are required to deliver chemical nitrogen for home mixing, provided the amount delivered does not exceed the amount which the customer would be eligible to purchase in mixed fertilizer.

A person who is permitted to obtain chemical fertilizer for uses other than on his Victory Garden is permitted to use it also on his garden.

Among conservation measures instituted by WPB which are continued without change in this order are:

(1) Farmers are required to use grades of fertilizer which are approved for the State.

(2) No chemical nitrogen fertilizer can be used on golf courses, cemeteries, lawns, roadsides, parks or in the non-commercial planting of trees, shrubs or flowers. Fertilizers for use on military and naval airfields are exempt.

(3) No mixed fertilizer containing chemical nitrogen can be used on spring-sown small grains to be harvested for grain.

(4) Victory Garden fertilizer must be of grade 3-8-7 and may be put up in 5, 10, 25, 50 or 100-pound packages. A Victory Garden is one planted primarily for the non-commercial production of vegetables and small fruits.

(5) The only restrictions on the manufacture, sale or use of mixed fertilizers containing organic nitrogen are that they must contain at least three units of nitrogen and 14 units of total plant food.

## **Utah Cannery Elect 1943 Officers**

Officers of the Utah Cannery Association, elected for 1943 at the annual meeting held at Ogden on January 13 are: President, E. R. Blackinton, Blackinton & Son Canning Company, Ogden; vice-president, Angus Stevens, Stevens Canning Company, Ogden; and secretary, Harvey F. Cahill.

# WANTED AND FOR SALE

## Machinery—Equipment

Names of member-firms who want to buy or who are offering for sale the machinery and equipment items listed below will be furnished upon application to the Association. When requesting names, be sure to give the number of the item referred to (54-S, 33-W, etc.), and your firm name.

*This service is limited to publication of the items wanted or for sale and to furnishing the identity of buyer or seller on request. When offering machinery and equipment for listing in this column, always include a brief description of the item. Address copy to attention, INFORMATION LETTER. Copy should be mailed so as to arrive in Washington not later than Thursday for publication the same week. Each item will be published three consecutive times, unless the LETTER is instructed to withdraw the copy.*

## WANTED

**33-W**—One used super-pulper, size No. 100, or two super-pulpers, size No. 50. Machines should be of stainless steel or Waukesha metal.

**34-W**—Two 150- or 200-gallon stainless steel or nickel steam jacketed open top kettles.

**35-W**—Three retorts that will hold 600 or more No. 10 cans.

**36-W**—Rotary blancher for green peas. Must be in good condition. State price and age; also any necessary repairs to put in first-class working condition.

**37-W**—250 hp. Scotch Marine used boiler.

**38-W**—Used labeling machine for pint and quart bottles.

**39-W**—Stencil cutter.

**40-W**—Burt labeling machine that will handle both round bottles and cans.

**41-W**—Four used green pea viners.

## FOR SALE

**54-S**—100-h.p., 2-cylinder McEwan oil engine in excellent condition.

**55-S**—APCO horizontal turbine type pump, capacity 150 gallons per minute at 70-foot head. Complete with 5-h.p., 3-phase, 220-440 volt motor with magnetic starter.

**56-S**—4-inch Cook foot valve to fit inside 8-inch well pipe.

**57-S**—Twelve Model 5 Sprague cream style corn cutters with extra knives, etc.

**58-S**—M & S six-pocket corn filler with direct drive parts for Canco 400 machine.

**59-S**—Two Lewis bean cutters.

**60-S**—Ayars pea filler, now being rebuilt by Ayars.

**61-S**—Two brand new American Perforator Company perforating machines, Model 38. Have never been used. Specifications as follows: Capacity, 14 papers; production, 250 to 350 per minute; six figures; dating or coding labels, etc.

**62-S**—Electrically-powered Crescent low-lift truck, complete with charging unit.

# LABORATORY SERVICE ON DEHYDRATION

## Methods by Which Canners Interested in Expansion Or Conversion Will Be Assisted

To improve and amplify the Association's service on dehydration problems, an arrangement has been made with Dr. S. C. Prescott, consultant in subsistence to the Secretary of War, utilizing his services as consultant. Announcement to this effect was made in last week's INFORMATION LETTER.

The Laboratory's activities will be organized in cooperation with Dr. Prescott and information on various phases of dehydration will be collected and summarized either by him or by members of the staff with the aid of his suggestions. This information is to be prepared for distribution to canners who are considering engaging in dehydration either as a separate venture or by partial or complete conversion of their canning facilities.

This arrangement is especially desirable in view of the increasing interest in dehydration in the present emergency. Because of restrictions on the use of tin, the shortage of ships, and the savings in space and weight in shipping dehydrated foods to the armed forces overseas as well as for Lend-lease purposes, a demand for great expansion of food dehydration has been issued by the Government. This demand is sponsored by the Department of Agriculture, the Subsistence Divisions of the War and Navy Department, and the War Production Board.

For the year ending June 30, 1943, the desired tonnage of dehydrated vegetables and fruits was set at about 100,000,000 pounds. For the year 1943-44 the expected demands will be about four times that amount or approximately 400,000,000 pounds. As a result of this increase the purchasing divisions undoubtedly will attempt to obtain the aid of many commercial canners in expanding production capacity. This policy already is in effect since officials recognize that canners usually possess preparatory equipment common to canning and dehydration, have experience in proper handling of raw products, appreciate the importance of variety and are located in producing sections.

For the present, the Association proposes to obtain and prepare for the benefit of interested canners up-to-date information on the following topics:

1. A general statement on the physical, chemical, and engineering principles of dehydration, emphasizing those aspects in which it differs from canning.
2. A summarization of the most important literature on the subject.
3. A classification and description of the several types of dehydration equipment now in use.
4. A statement of the routine procedures required for satisfactory dehydration, viz., preparation, blanching and its purposes, and control of temperature, humidity and air flow in the actual drying operations.
5. Methods of testing, and desirable equipment.
6. Specifications set up by governmental agencies, including packaging.
7. Opportunities for special conferences when needed.

The Laboratory has kept in touch with officials in charge of the dehydration program and has visited and studied representative plants and experimental installations.

### Pricing of New Type of Canned Pork Containers

The Office of Price Administration has announced the issuance of amendments to Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts. Included in the changes is a method for fixing ceiling prices for new types of canned pork and new sizes and kinds of containers. Instructions on maximum pricing will be made available by OPA on receipt of the facts upon which an application is based.

The amendments also allow an addition of \$1 per hundred-weight to the maximums permitted for packing canned goods for export where the shipping container is a solid wood box containing six cans. This was necessitated by a revision of specifications for export boxes by war procurement agencies which requires packing six cans instead of a dozen in a box.

### TIN TO GLASS PRICE REGULATION

#### New Method of Determining Ceilings to Cover Change in Style of Container

A new method by which packers of most canned and packaged foods can determine new maximum prices when the nature or size of their containers has been changed, such as from tin to glass, was announced by the Office of Price Administration on January 23. This pricing method, effective January 25, is established by amendments to Supplementary Regulation No. 14 to the General Maximum Price Regulation, under which such staples as pork and beans, pickles, and spaghetti sauce are priced, and to five specific price regulations: Amendment No. 7 to MPR No. 152—Canned Vegetables; Amendment No. 6 to MPR No. 185—Canned Fruits and Canned Berries; Amendment No. 4 to MPR No. 226—Jams, Jellies, Preserves; Amendment No. 3 to MPR No. 232—Apple Butter; Amendment No. 1 to MPR No. 233—Apple Products (canned apples, apple juice and apple sauce).

The formulas developed for pricing glass under the amendments issued January 23 are to be used for canned foods packed since 1941. The pricing program for 1943 will be announced by OPA in the near future. It is presumed that the new program will be effective on canned foods packed after the date of its issuance. Ceiling prices for the 1942 pack that were filed with OPA under previous rulings may, but need not be changed to conform to the formulas as set forth in these amendments.

Printed below is the text of the new pricing method as it applies to containers not covered by price regulation on canned fruits and berries, and the text of the method as it applies to products covered by GMPR. Since the amendments establishing the new method in the case of other affected products are substantially similar to that for canned fruits and berries, they are not reproduced.

#### Canned Fruits and Canned Berries

##### AMENDMENT NO. 6 TO MPR NO. 185

Section 1341.102a, Section 1341.106a(e) and Section 1341.114(f) are added as set forth below.

Section 1341.102a. *Canner's maximum prices for canned fruits and canned berries in new container types or sizes.*

(a) The maximum price per dozen for a kind and grade of canned fruits or canned berries packed in any container type or size which the canner did not sell during the first 60 days after the beginning of the 1941 pack shall be calculated as follows. He shall:

(1) *Determine the base container.* If the canner sold the same kind and grade of canned fruits or canned berries during the first 60 days after the beginning of the 1941 pack, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that kind and grade of canned fruits or canned berries, under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50 per cent or less larger, or if there is no such size, 50 per cent or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the similar container type" will be merely the container type which the canner is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The canner shall take as the "base price" his maximum price per dozen, f. o. b. factory, for the kind and grade of canned fruits or canned berries when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the canner's factory, the canner shall first convert it to a base price f. o. b. factory by subtracting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price, f. o. b. factory, the canner shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling, or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. factory.* Next, the canner shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. factory price, the resulting figure is the canner's maximum price, f. o. b. factory.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the canner's maximum price for the canned fruits or canned berries in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The canner shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the canned fruits or canned berries in the new container will move under a different freight tariff classification, the canner shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March, 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping

volume is the measure of the transportation charge). The canner shall then add these transportation charges to his f. o. b. factory price for the commodity in the new container. The resulting figure is the canner's maximum delivered price.

(b) If the canner has established prior to January 25, 1943, a maximum price under the provisions of Section 1341.102 for a kind, grade, and container size of canned fruits or canned berries, of which he made no sales during the first 60 days following the beginning of the 1941 pack, he may retain that maximum price, or, at his option, may establish a maximum price under this section.

Section 1341.106a. *Information to purchasers from canners.*

\* \* \*

(e) The provisions of this section shall not apply when a canner has computed his maximum price under the provisions of Section 1341.102a and in such case he shall not report a base price or permitted increase and need not report his maximum price to a purchaser.

Section 1341.114. *Effective dates of amendments.*

\* \* \*

(f) Amendment No. 6 (Sections 1341.102a, 1341.106a (e) and 1341.114(f)) to Maximum Price Regulation No. 185 shall become effective on January 25, 1943.

# **Modification of General Maximum Price Regulation**

AMENDMENT NO. 96 TO SUPPLEMENTARY REGULATION NO. 14

Subparagraph (7) of paragraph (a) of Section 1499.73 is amended to read as shown below.

Section 1499.73. *Modification of maximum prices established by Section 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum prices established by Section 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

\* \* \*

(7) *Packer's maximum prices for food commodities packed in new container types and sizes.* (i) *Explanation.* The purpose of the new method of pricing provided by this subparagraph (7) is to permit the packer who is now packing food commodities in containers of new types and sizes (that is, types and sizes which he did not deliver or offer for delivery during March 1942) to establish maximum prices for these items. The method permits him to account for differences in container costs, and for differences in transportation costs caused by the difference in containers, without permitting him to increase the price per unit of the commodity packed in the new container. The new method, however, applies only where a previous maximum price of the commodity has been set for a container size not more than 50 per cent larger or smaller than the new size, and only in cases where both containers are of the non-returnable, single-use type. Packers must refigure every maximum price set under the General Maximum Price Regulation for a food commodity packed in a new container type or size to which the rules of this subparagraph (7) are applicable. However, packers who before January 25, 1943, had figured the maximum price for a food commodity under Section 1499.2(b) or 1499.3(b) of the General Maximum Price Regulation, or under the rules formerly provided in this subparagraph, may, if they wish, keep that price or instead figure a new maximum price using the new pricing method where it is applicable.

(ii) *Pricing method.* To figure the maximum price to any class of purchasers for the food commodity in the new container type or size, the packer shall:

(a) *Determine the base container.* The packer shall first determine the most similar container type in which he has already established a maximum price for the commodity to that class of purchasers without using the earlier provisions of this subparagraph (7) (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50 per cent or less larger or, if there is no such size, 50 per cent or less smaller (even though he no longer sells those sizes). This will be the "base container." If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

*NOTE:* In most cases "the most similar container type" will be merely the container type which the packer is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(b) *Find the base price.* The packer shall take as the "base price" the maximum price which he may charge that class of purchasers for the commodity in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's factory, the packer shall first convert it to a base price f.o.b. packer's factory simply by deducting whatever transportation charges were included in it.

(c) *Deduct the container cost.* Taking his base price f.o.b. factory, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include costs of filling, closing, labeling or packing.

(d) *Adjust for any difference in contents.* The figure gotten by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(e) *Add the new container cost to get the price f.o.b. factory.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f.o.b. factory price, the resulting figure is the packer's maximum price to that class of purchasers, f.o.b. factory.

(f) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the commodity in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. However, if for any reason the commodity in the new container will move under a different freight tariff classification, he shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification during March, 1942. Increases in tariff rates or transportation taxes made since March 31, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f.o.b. factory price for the commodity in the new container. The resulting figure is the packer's maximum delivered price to that class of purchasers.

(iii) *Units of sale and fractions of a cent.* The packer shall figure each maximum price, and the costs that enter into it, in terms of the same general units (like pounds, dozens, etc.) in which he has customarily quoted prices for the commodity in the base container. If any maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the commodity in the base container.

## (iv) Examples showing how the pricing method is to be applied.

Case 1. The maximum price f. o. b. factory if the base container is the same in size as the new container but different in type. Assume the base container is a 16-oz. tin and the new container is a 16-oz. glass (pork and beans).

Maximum price per doz. f. o. b. factory in base container ("base price")	\$ .55
Subtract "direct cost" of base container	-.30
Add "direct cost" of new container	+.34
New maximum price (f. o. b. factory)	\$ .09/doz.

Case 2. The maximum price f. o. b. factory if the base container is different in size from the new container and either the same or different in type. Assume the base container is a 10½-oz. tin and the new container is an 8-oz. tin or glass (spaghetti sauce).

Maximum price per doz. f. o. b. factory in base container ("base price")	\$1.20
Subtract "direct cost" of base container	-.15
	1.05
Adjust to new container:	
Divide by number of ounces of commodity in base container	1.05
	+.10½
	.10
Multiply by number of ounces of commodity in new container	× 8
	.80
Add "direct cost" of new container (glass)	.26
New maximum price (f. o. b. factory)	\$1.06/doz.

Case 3. Maximum delivered price if the base container is the same in size as the new container but different in type. Assume the base container is a 16-oz. tin and the new container is a 16-oz. glass (pork and beans).

Maximum delivered price per dozen in base container (figured e. l.)	\$ .60
Subtract transportation charges	-.05
Price f. o. b. factory ("base price")	.55
Subtract "direct cost" of container	-.20
	.35
Add "direct cost" of new container	+.34
Add new transportation charges:	
$\$ .05 \text{ (old transp. chgs.)} \times \frac{40 \text{ lb (new shpg wt/case)}}{34 \text{ lb (old shpg wt/case)}} =$	.058
New maximum delivered price	\$ .75/doz.

Case 4. Same, except that the new container type puts the commodity in a different freight tariff classification. Assume the base container is a 16-oz. tin and the new container is a 16-oz. glass (pork and beans).

Maximum delivered price per dozen in base container (figured e. l.)	\$ .60
Subtract transportation charges	-.05
Price f. o. b. factory ("base price")	.55
Subtract "direct cost" of container	-.20
	.35
Add "direct cost" of new container	+.34
Add new transportation charges:	
$\frac{40 \text{ lb (new shpg wt.)}}{100} \times .185 \text{ (rate per cwt. under new classif.)} =$	.074
New maximum delivered price	.76/doz.

(v) Records. Packers shall keep records showing how they figured each maximum price under this subparagraph.

(vi) Exceptions. This subparagraph (7) shall not apply to coffee and coffee compounds (see subparagraph (33)).

(b) Effective dates. \* \* \*

(97) Amendment No. 96 (Section 1499.73 (a) (7)) to Supplementary Regulation No. 14 shall become effective January 25, 1943.

## Food Directive Confirms OPA Rationing Authority

Authority previously granted by the War Production Board to the Office of Price Administration to ration processed foods has been confirmed and extended by the Food Distribution Administration through the issuance January 16 of Food Directive No. 1, effective on that date. OPA's rationing authority thus is extended to include the exercise of control over the sale, transfer and delivery of processed foods and to the acquisition, use or delegation of processed foods. However, it does not include the power to limit or restrict quantities of processed foods that may be obtained by government agencies. As used in the directive, the term processed foods means and includes:

(1) All fruits, fruit juices, vegetables, vegetable juices, soups, baby foods of all kinds, fish, shellfish, and milk packed in hermetically sealed containers of any type and sterilized by the use of heat. (2) All jams, jellies, preserves, fruit butters, pickles and relishes. (3) All frozen fruits and vegetables. (4) All dried and dehydrated fruits and vegetables. (5) All combinations of any of the foregoing with meat. (6) All combinations of any of the foregoing.

## ORANGE JUICE HELD FOR PROCESSING

## California and Arizona Handlers Must Set Aside Fifth of Weekly Shipments

California and Arizona orange handlers were directed to set aside each week, for processing into juice to supply war needs, quantities of fruit equal to one-fifth of their weekly shipments, the Department of Agriculture has announced. The regulation, issued pursuant to Food Distribution Order No. 6 was issued by the Food Distribution Administration and becomes effective January 24.

Each California and Arizona orange handler is required each week to set aside a quantity equivalent to 20 per cent of his fresh fruits shipments. The handler has three alternative actions with regard to this "set aside" fruit. He may sell it immediately to processors or to any government agency for processing; he may immediately process the fruit into juice, in accordance with existing regulations; or he may hold the fruit for a period of six weeks, after which time it is automatically released.

To insure growers and handlers of a fair price for this fruit sold to processors, FDA established a price of \$50 per ton, f.o.b. packing house.

Text of the regulation, Food Distribution Order 6.1, follows:

## Section 1405.3 Citrus Fruit Set-Aside Order

(a) Oranges to be set aside.

(1) Every handler of oranges located in those portions of the producing area listed below shall, during each shipping period in which he ships more than 50 boxes or the equivalent thereof, set aside for the requirements of government agencies and processors a quantity equal to the percentage listed below of the oranges shipped by him during such period.

- (i) Florida—none
- (ii) California—20 per cent
- (iii) Arizona—20 per cent

(2) Such quantity of oranges shall be set aside and held subject to the restrictions of Food Distribution Order No. 6 for six weeks after the close of the shipping period in which it was set aside.

*(b) Lemons to be set aside.*

(1) Every handler of lemons located in those portions of the producing area listed below shall, during each shipping period in which he ships more than 50 boxes or the equivalent thereof, set aside for the requirements of government agencies and processors, a quantity equal to the percentage listed below of the lemons shipped by him during such period.

(i) California—none

(ii) Arizona—none

(2) Such quantity of lemons shall be set aside and held subject to the restrictions of Food Distribution Order No. 6 for 18 weeks after the close of the shipping period in which it was set aside.

*(c) Grapefruit to be set aside.*

(1) Every handler of grapefruit located in those portions of the producing area listed below shall, during each shipping period in which he ships more than 50 boxes or the equivalent thereof, set aside for the requirements of government agencies and processors a quantity equal to the percentage listed below of the grapefruit shipped by him during such period.

(i) Florida—none

(ii) Texas—none

(iii) Arizona—none

(iv) California—none

(2) Such quantity of grapefruit shall be set aside and held subject to the restrictions of Food Distribution Order No. 6 for six weeks after the close of the shipping period in which it was set aside.

*(d) Definitions.*

(1) "Shipping period" means in all cases a period of seven consecutive days beginning with 12:01 a.m. local time Sunday and ending at 12:01 a.m. local time the following Sunday.

(2) "Box" means the standard container of that name prescribed for the particular variety of citrus fruit by the Agricultural Code of the State of California.

*(e) Permissible variations.*

Notwithstanding the provisions of sections (a), (b) and (c) hereof, any handler, during any shipping period for any type or variety of citrus fruit of which he is not required to make up a deficiency, may, at his option, set aside less than the quantities of citrus fruit required by sections (a), (b) and (c) hereof to be set aside, upon condition that not less than half of such quantities so required are set aside, and that the deficient quantities are set aside in the next shipping period in addition to the quantities otherwise required to be set aside during such period. Citrus fruit set aside during any shipping period shall be applied first to any deficiency for the preceding shipping period.

*(f) Reports.*

(1) On or before the first Tuesday following each shipping period each handler of the types and varieties of citrus fruit listed below shall file a report, for the geographical location indicated, with the person listed below.

(i) Oranges—(a) California and (b) Arizona—H. W. Thompson, Food Distribution Administration, Room 405, 704 South Spring St., Los Angeles, Calif.

(2) The report required to be filed shall be upon forms prescribed by the Director and shall contain the information with respect to each type of fruit required to be set aside by this order called for by said forms.

*(g) Effective date.*

This order shall take effect at 12:01 a.m., January 24, 1943.

Issued this 20th day of January, 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

**Restrictions on Farm Machinery Are Modified**

Several restrictions on the manufacture and distribution of farm machinery and equipment were modified January 19 by the War Production Board in issuing Limitation Order L-170 as amended, and two days later WPB authorized a 30 per cent increase in tonnage of steel for the first quarter of 1943 for the manufacture of farm machinery.

The amendment does away with the three months' restriction on the distributor's inventory of repair parts and eliminates the necessity of his filing a "Certificate for Emergency Order" to obtain repair parts.

Certain provisions in the original order are changed as they apply to silos so that the weight of critical materials necessary for their construction, rather than the number of units constructed, governs the quota. At the same time the quota percentage for silo construction is increased from 12 to 16 per cent.

Water pump cylinders are defined as repair parts in the amended order, thus permitting the cylinders to come within the 130 per cent quota for repair parts. This change is made because cylinders are not complete mechanical devices in and of themselves but merely functional parts of a water system.

Among other changes in the order as amended are the following:

"Grain bins and corn cribs, when made from material other than steel" are excluded from the definition of "Farm Machinery and Equipment", and, hence, are no longer covered by the order.

Harness hardware is added to horseshoes, muleshoes and horseshoe nails, as an item excluded from the restrictions limiting them to use on farms.

Tractor mounted field cultivators, tillers and tooth weeders are added to Schedule A, which is a schedule of quota percentages.

The amended order separates combination stacker-loaders from the stationary type of stacker and assigns 75 per cent to Class C producers of combination stacker loaders. (Class C producers are those whose total net sales during 1941 did not exceed \$750,000 in value.)

Milk pails and strainers are added to Schedule A and assigned 36 per cent and 75 per cent quotas, respectively, to Class B and Class C producers. (Class B producers had sales during 1941 which exceeded \$750,000 but did not exceed \$1,000,000.)

**Maximum Prices Set On Cannery Ustensils**

Maximum prices for grape picking pans, also known as tomato picking pans and canner's dish pans and used mainly in the Pacific coast fruit growing section, are established by the cost-plus formula provided for certain seasonal goods, the Office of Price Administration announced January 19.

Along with beet, grape picking, cane, and corn knives they have been placed under Maximum Price Regulation No. 210 by Amendment No. 8, effective January 25.

Under this regulation, wholesale or retail sellers usually determine their ceilings by taking the "average cost" of the article being priced, or the "current cost," whichever is lower, and adding to it the "initial percentage mark-up" taken during the last six months of 1941.

## GRADE LABELING REQUIRED IN PRICE ORDER

(Continued from page 7451)

(h) "Packed" means processed and enclosed in any container, whether or not hermetically sealed.

(i) In every case in which areas or regions are designated and maximum prices are established for any items on an area or regional basis, the maximum price for any item in such area or region shall apply to all of such item packed in such region or area.

(j) The purpose of this regulation is to establish maximum prices for items now designated or to be added from time to time. Maximum prices are established which take into consideration such factors as grades, sizes, regions, and container types. Additional factors may be specified for some items. Each factor specified shall be used in determining the maximum price. For example, if grades and regions are specified, the processor shall use the maximum price designated for the grade in question for the region in which he produces the item.

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed.

**§ 1341.553 Items covered by this regulation and the maximum prices therefor.**

(a) The packed fruits covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

Item	Section	Appendix
(1) Grapefruit juice	1341.583	A

**§ 1341.555 Prohibition against dealing in items covered by this regulation above maximum prices.**

(a) On and after the effective date of this regulation, regardless of any contract or other obligation, no processor shall sell or deliver any item covered by this regulation at a price higher than the maximum price established herein; no person in the course of trade or business shall buy or receive any item covered by this regulation from a processor at a price higher than the maximum prices established herein; and no processor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

**§ 1341.557 Maximum prices for commodities covered by this regulation in container types and sizes for which no specific maximum prices are named.**

(a) The maximum price, f. o. b. factory, for a commodity covered by this regulation packed in any container type or size for which no maximum price is established herein, shall be computed by the processor, as follows:

(1) *Select the base price.* The processor shall first select the same commodity in a container type and size for which a maximum price has been established by this regulation, even though he does not pack the commodity in that container type or size. The selected container type must be the most similar type to the one being priced. The size selected must be the nearest size to the one being priced and must be not more than 50 per cent larger than the one being priced, or, if there is no such size, not more than 50 per cent smaller than the one being

priced. The maximum price established by this regulation for the commodity in the container type and size so selected is the processor's "base price."

(2) *Deduct the container cost.* The processor shall then deduct the direct cost of the container for the selected type and size, from such base price. "Direct cost of the container" means the net cost, at the processor's factory, of the container, cap, label and proportionate part of the outgoing shipping carton, but it does not include cost of filling, closing, labeling or packing.

(3) *Adjust for the difference in contents.* The figure obtained by deducting the direct cost of the container shall then be adjusted by dividing it by the number of ounces or other units in the selected container and multiplying the result by the number of the same units in the container being priced.

(4) *Add the new container cost.* Next, the processor shall add to that adjusted figure the direct cost of the container of the type and size being priced. The resulting figure is the processor's maximum price for the commodity in the container type and size being priced.

**§ 1341.559 Label and labor allowances.**

(a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price at least the sum of one cent per case of such containers, in addition to the allowance provided in paragraph (a) (1) of this section.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand for the number of labels used.

**§ 1341.561 Maximum delivered prices by zone or area.**

(a) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, on an established uniform delivered price basis by zone or area, may establish a maximum delivered price for a zone or area by adding to the maximum price, f. o. b. factory, established pursuant to this regulation, for the same size, grade and container type, the freight charge he added to his f. o. b. factory price during the calendar year 1941 in the same zone or area, plus 9 per cent of that freight charge.

(b) If the processor sells any item covered by this regulation in a container type or size not previously sold by him on a delivered price basis, by zone or area, he may establish a maximum delivered price by zone or area as follows:

(1) He shall first select the most similar container type and size in which he previously sold the same product on a delivered basis by zone or area.

(2) He shall add an adjusted freight charge to the maximum price, f. o. b. factory, established pursuant to this regulation for the item being priced. The adjusted freight charge to be used shall be the freight charge as computed under paragraph (a) of this section for the selected container type and size, adjusted in the exact proportion to the difference in shipping weight. If for any reason, the product in the container type and size being priced will move under a different freight tariff classification, the processor shall figure his adjusted freight

charges (by the same means of transportation to the same zone or area) on the basis of the new shipping weight, by adding or subtracting, as the case may be, the difference between the charge under the freight classification for the new container type and size and the charge under the freight classification for the selected container type and size. Similar principles shall apply where shipping volume is the measure of the freight charge.

**§ 1341.563 Specific authorization of maximum prices.**

(a) If the processor is unable to establish a maximum price pursuant to this regulation for any item covered by this regulation, his maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. Such authorization may be obtained on application to the Office of Price Administration. Such application shall set forth:

(1) A description of the item for which a maximum price is requested, including its grade, size, container type and any other relevant factors;

(2) A statement of the facts which differentiate the item for which such authorized price is requested from the most similar item for which he has established a maximum price pursuant to this regulation; and

(3) A statement of the reasons why he has been unable to establish a maximum price for such item pursuant to the provisions of this regulation.

**§ 1341.565 Grades and labels.**

(a) The term "grade" when used in this regulation, means the grade as established and defined by the United States Department of Agriculture.<sup>1</sup>

(b) On and after the effective date of this regulation, labels shall be affixed to all items covered by this regulation before they are delivered to a purchaser, except that:

(1) A processor without affixing such labels, may make shipment or other delivery which is, in accordance with the practice of the trade, to be labeled in substantial quantity at an establishment other than that where originally processed or packed.

(c) Any person who purchases any item covered by this regulation from a processor, unlabeled, shall affix a label to such item before delivering it to any retail store, institutional, industrial or commercial user, ultimate consumer or any other person.

(d) The grade of the product shall be stated on each label which is affixed to any item covered by this regulation, unless the label was so affixed before the date this regulation takes effect.

(e) The grade of the item shall be shown by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. Grade A may be designated as "Grade A" or may be designated by the descriptive term "Fancy." The letters "U. S." shall not be used in connection with the grade designation unless the item has been packed under the continuous inspection of the United States Department of Agriculture.

(f) The descriptive language on the label of any item covered by this regulation shall not contain any word which is used by the United States Department of Agriculture to designate a grade, unless the item meets the grade specifications for the word so used. For example, an item which is standard in grade, shall not state that it is made of ripe, choice product.

(g) The label on every item covered by this regulation shall bear the statement of grade in type at least as large as the declaration of net contents shown on the label; except that

(1) Every item covered by this regulation, whether or not sold in interstate commerce, which fails to meet the standard

of quality prescribed for such product by the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder, shall bear the general statement of substandard quality required by, or any alternative statement permitted by, that Act or any regulation enacted thereunder, in the manner therein provided.

(h) In any one case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or for the packing medium for any item covered by this regulation, the label on such item shall show the sirup or packing medium in type at least as large as the declaration of net contents and the sirup or packing medium shall be described by the same description as that used in the applicable standard or definition.

(i) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder.

(j) The provisions of this section shall not apply to any products sold to the United States or any agency thereof.

**§ 1341.567 Evasion.**

The maximum prices set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

**§ 1341.569 Records.**

(a) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which specific prices have been established by this regulation, shall make and shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charged for such items after the effective date of this regulation.

(b) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which maximum prices are to be computed by the processor in the manner directed by this regulation, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which were the basis of computing such maximum prices and shall show the method used in such computations, in addition to the records required to be made and preserved by paragraph (a) of this section.

**§ 1341.571 Enforcement.**

Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

**§ 1341.573 Petitions for amendment.**

Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>2</sup> issued by the Office of Price Administration.

**§ 1341.575 Applicability.**

The provisions of this regulation shall apply to the forty-eight States of the United States and the District of Columbia, except as otherwise provided for any item covered by this regulation.

<sup>1</sup> Copies may be obtained on request from the United States Department of Agriculture, Washington, D. C.

<sup>2</sup> 7 F.R. 8961.

**§ 1341.577 Definitions.**

(a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

**§ 1341.578 Sales for export.**

The maximum price at which a person may export items covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,<sup>a</sup> issued by the Office of Price Administration.

**§ 1341.579 Applicability of other maximum price regulations.**

(a) The provisions of this regulation supersede the provisions of any other maximum price regulation insofar as they apply to processors of any item covered by this regulation.

**§ 1341.581 Effective date.**

This Maximum Price Regulation No. 306 (§§ 1341.551 to 1341.583, inclusive) shall become effective on January 28, 1943.

**§ 1341.583 Appendix A: Maximum prices for packed fruit.**

(a) Grapefruit juice.

[Maximum prices in dollars per dozen containers, f. o. b. factory, except as otherwise indicated]

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5		Col. 6		Col. 7	
Item No.	State or area	Style of pack	Grade	Container— No. 2 can		Container— No. 3 cylinder		Container— No. 10 can	
				Government sales	Other sales	Government sales	Other sales	Government sales	Other sales
1	Florida.....	Natural (unsweetened).....	A or Fancy.....	1.07½	1.12½	2.45	2.55	4.85	5.00
			C or Standard.....	.97½	1.02½	2.25	2.35	4.35	4.50
			Off grade or substandard.....	.77½	.82½	1.70	1.80	3.35	3.50
		Sweetened.....	A or Fancy.....	1.10	1.15	2.50	2.60	5.00	5.15
			C or Standard.....	1.00	1.05	2.30	2.40	4.50	4.65
			Off grade or substandard.....	.80	.85	1.75	1.85	3.50	3.65
2	Texas.....	Natural (unsweetened).....	A or Fancy.....	1.02½	1.07½	2.35	2.45	4.65	4.80
			C or Standard.....	.92½	.97½	2.15	2.25	4.15	4.30
			Off grade or substandard.....	.72½	.77½	1.60	1.70	3.15	3.30
		Sweetened.....	A or Fancy.....	1.05	1.10	2.40	2.50	4.80	4.95
			C or Standard.....	.95	1.00	2.20	2.30	4.30	4.45
			Off grade or substandard.....	.75	.80	1.65	1.75	3.30	3.45
3	California and Arizona.....	Natural (unsweetened).....	A or Fancy.....	1.17½	1.22½	2.70	2.80	5.30	5.45
			C or Standard.....	1.07½	1.12½	2.50	2.60	4.80	4.95
			Off grade or substandard.....	.87½	.92½	1.95	2.05	3.80	3.95
		Sweetened.....	A or Fancy.....	1.20	1.25	2.75	2.85	5.45	5.60
			C or Standard.....	1.10	1.15	2.55	2.65	4.95	5.10
			Off grade or substandard.....	.90	.95	2.00	2.10	3.95	4.10

(1) If a processor packs grapefruit juice made from grapefruit grown in any State mentioned in paragraph (a) of this section, whether or not his factory is located in the same State or any of such States, his maximum price shall be the maximum price shown in paragraph (a) of this section for the State in which the grapefruit used by him was grown.

Issued this 22nd day of January 1943.

PRENTISS M. BROWN,  
Administrator.

<sup>a</sup> 7 F.R. 5059, 7242, 6829, 9080, 10530.

**Brown's Appointment as OPA Head Confirmed**

The appointment of Prentiss M. Brown, former senator from Michigan, as Administrator of the Office of Price Administration, to succeed Leon Henderson, who has resigned, was confirmed without objection by the Senate, January 18. On taking over his new duties, Mr. Brown stated that he plans consultations with farmers, processors, manufacturers, wholesalers, retailers and consumers in an effort to serve each of these various interests equitably and to alleviate hardships which must be suffered under the anti-inflation program.

**Price Differentials Provided for Dry Edible Beans**

Country shippers, their agents and primary jobbers may add to their ceiling prices for dry edible beans differentials ranging from 30 cents to \$2 per hundred-weight for putting up special "consumer size" packages of 25 pounds or less, the Office of Price Administration announced January 21.

The new scale of packaging differentials are contained in Revised Maximum Price Regulation No. 270 (Dry Edible Beans, Sales Except at Wholesale and Retail). Hitherto the regulation permitted each country shipper and primary jobber to add to the ceiling prices his normal differentials for small lot sales.

**Drive For Home-canning by Farm Families**

In a drive to get every farm family to produce and preserve as much as possible of their entire year's food needs, M. L. Wilson, director of extension work of the U. S. Department of Agriculture, on January 21 announced the assignment of Mrs. Ola Powell Malcolm of the Washington staff to aid in planning and coordinating this program in cooperation with State agricultural colleges.

# Time Limit On Grapefruit Juice Shipment Permit

The following telegram was sent to the National Canners Association by Robert C. Evans, of the Fruit and Vegetable Branch of the Food Distribution Administration, clarifying the terms of permission granted grapefruit juice canners to ship under certain considerations:

After consideration confusion caused in practically all press reports by variation in dates with respect application FDO 3 to canned grapefruit juice it has been determined pursuant to section relating to appeals for relief from hardships to permit consignees to whom juice was sold and shipped from January 6 to January 9 inclusive to accept and pay for such juice provided they willing hold such juice until April first or other date provided in order and sign certificate to that effect to be supplied by this office. Expect have supply certificates within few days. Canners involved must secure signed certificates from consignees and forward to food distribution administration. Applies only to shipments and sales January 6 to 9 inclusive.

## New AMA Standard for Canned Grapefruit

"Revised U. S. Standards for Grades of Canned Grapefruit" became effective January 1, according to an announcement issued January 15 by the Agricultural Marketing Administration.

Important changes have been made in the treatment of syrup cut-out density and in the factors considered in ascertaining the grade. Syrup densities no longer are incorporated in the grades, although densities will be measured and reported in official grading. The factors used in scoring, each given a weight of 20 points, are drained weight, wholeness, color, absence of defects, and character of fruit.

In addition, requirements for wholeness have been lowered from 80 to 75 per cent in Fancy grade and from 60 to 50 per cent in Choice. The drained weight requirement remains unchanged at 60 per cent for Fancy grade and 55 per cent for Choice.

The definition of broken canned grapefruit has been simplified by requiring that this grade shall meet the requirements for grade B, except as to per cent of whole or nearly whole segments.

## Cassels to Head FDA Requirements and Allocations

Appointment of Dr. John M. Cassels as Chief of Requirements and Allocations Control of the Food Distribution Administration has been announced by USDA.

Dr. Cassels will make recommendations for the allocation of food supplies for civilians, the armed forces, Lend-lease, and other uses. Requirements and Allocations Control will base these recommendations on studies of requirements received from all claimant groups. The allocations will be made by the Secretary of Agriculture after consultation with the Food Advisory Committee and the Combined Food Board.

Since last July, Dr. Cassels has been Chief of the Requirements and Allocations Branch of the Department's Office of Agricultural War Relations, a unit now a part of FDA. In February, 1942, he was named Head of the Division of Marketing and Transportation Research of the Bureau of Agricultural Economics, after having served for two years with the National Defense Advisory Commission and the Office of Price Administration on consumer problems.

# Curtis E. Calder Succeeds Kanzler at WPB

The appointment of Curtis E. Calder, Bronxville, N. Y., as Director General for Operations, was announced by the War Production Board, January 19. He succeeds Ernest Kanzler, whose resignation due to ill health had been announced the day before.

Mr. Calder, who is president of the American and Foreign Power Company, came to WPB in November as Assistant Deputy Director General for Industry Divisions. Formerly he was secretary and later president of the Texas Power and Light Company. Mr. Calder was a public representative on the Board of Governors of the New York Stock Exchange from 1939 to 1941 and is a director of such organizations as the National City Bank, American Bank Note Company, and certain investment trusts. His work in the international public utility field has brought him decorations from the governments of the Dominican Republic and Ecuador. Among other recent activities outside of business, he was vice chairman of the national citizens' committee to raise funds for the Navy Relief Society last year.

To succeed Mr. Calder as Deputy General for Industry Divisions, WPB has announced the appointment of Dr. Ernest W. Reid, of Pittsburgh. Dr. Reid has served WPB and its predecessors in many capacities, and until this new appointment had been Mr. Calder's assistant. He came to Washington in June, 1940, as a member of the Advisory Commission to the Council on National Defense. Upon organization of a Chemical Division, he became its Assistant Chief and was appointed Chief in February, 1942.

## Tomato Juice Pack Totals 20,738,394 Cases

The pack of canned tomato juice in 1942 totaled 20,738,394 actual cases, according to figures compiled by the Association's Division of Statistics. This compares with 19,046,257 cases packed in 1941.

## Canned Sauerkraut Pack Totals 4¾ Million Cases

The 1941-42 pack of canned sauerkraut amounted to 4,804,703 cases, all sizes, compared with a pack of 5,240,806 cases for 1940-41, according to figures compiled by the Association's Division of Statistics. Both annual totals represent years beginning and ending September 1.

Comparison of the pack of bulk kraut shows that 84,894 45-gallon casks were put up in the 1941-42 season as compared with 69,068 casks during 1940-41.

The following table, based on reports from 94 per cent of canners known to have packed during the 1941-42 season, together with estimates for the six per cent not reported, presents details of the pack by States:

States	24/2 Cases	24/2½ Cases	6/10 Cases	Misc. Cases	Total Cases
New York	131,189	1,512,026	465,693	39,578	2,148,486
Ohio, Mich. and Ind.	130,827	435,296	114,921	3,797	684,841
Wisconsin	292,170	588,071	288,874	8,805	1,177,980
Other Mid-West*	31,417	209,050	7,926	3,115	251,508
West†	88,365	172,276	52,265	16,299	329,205
South‡	46,575	124,762	30,010	2,530	212,683
Total	720,343	3,041,481	968,695	74,184	4,804,703

\* Includes Iowa, Illinois, Arkansas-Missouri, and Minnesota. † Includes California, Colorado, Montana, Utah, Oregon and Washington. ‡ Includes Tennessee-Kentucky, North Carolina, Texas, Virginia, Georgia and Maryland.

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#### Paul Fishback Resigns As Brokers' Secretary

Paul Fishback, who has been secretary of the National Food Brokers Association for 20 years, has resigned his post coincident with the announcement that the association would move its headquarters from Indianapolis, Indiana, to Washington, D. C. In turning in his resignation to the executive and advisory committees of the brokers' association, Mr. Fishback stated he would be unable to make the move to Washington. He is the third secretary the National Food Brokers Association has had in 39 years.

#### Corrected Dates of State Association Meetings

The meeting of the South Texas Canners Association at which governmental agencies will be represented is scheduled for February 1 at the Board of Trade Building, McAllen.

The Utah Canners Association will hold a meeting in Salt Lake City, at Hotel Utah, on February 2 and 3, with the first day devoted entirely to speakers from the government agencies.

The Ozark Canners Association will hold their annual meeting on February 3 and 4 at the Colonial Hotel, Springfield, Mo.

The annual meeting of the Tennessee-Kentucky Canners Association will be held in the Andrew Johnson Hotel, Knoxville, Kentucky, on February 6.

In previous announcements, the dates and locations of these meetings were incomplete in some cases, and in others had been incorrectly reported.

#### Raw Sugar Administration Transferred to FDA

Secretary of Agriculture Claude R. Wickard has issued an order transferring administration of raw sugar conservation and distribution from the War Production Board to the Food Distribution Administration of the Department of Agriculture.

Food Distribution Order No. 7, the Secretary's directive, supersedes the sugar General Preference Order M-98, issued by WPB on October 30, 1942. It will be enforced by FDA, to which the sugar section of WPB has now been transferred. In the main, the only changes made in WPB order M-98 are those necessary to transfer its administration to FDA.